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## ROLL CALL

Present: Council Members - Hinchman, Pennino,  
Sieglock, Snider, and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City  
Manager Glenn, Community Development  
Director Schroeder, Public Works Director  
Ronsko, City Attorney McNatt, and City Clerk  
Reimche.

PERFORMANCE BY RIVERBOAT RASCALS

Members of the City Council, staff, the audience and the television viewing audience enjoyed a brief performance by the Riverboat Rascals under the leadership of Bob Romans.

## INVOCATION

The invocation was given by Father Joe Illo, St. Anne's Catholic Church.

PLEDGE OF  
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

## PRESENTATIONS

## PROCLAMATIONS

Mayor Pinkerton presented the following proclamations:

CC-37

- a) "Public Health Week"; and
- b) "Clubwomen Recognition Month".

## ANNOUNCEMENT

Mayor Pinkerton announced that April is "Fair Housing Month" and reminded the citizens of the existence of fair housing practices.

## CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Hinchman, Pennino second, approved the following items hereinafter set forth with the following exceptions:

The following Consent Calendar items were removed from the agenda and discussed and acted upon at another point on the agenda:

- a) Agenda item #E-4 entitled, "Consider initiating the annexation/reorganization proceedings for the Bridgehaven Addition located on the west side of Woodhaven Lane between the Wine and Roses Country Inn and the WID Canal";

- b) Agenda item #E-6 entitled, "Resolution urging the State of California to halt the practice of enacting unfunded State mandates or to provide funding for any mandate it enacts";
- c) Agenda item #E-7 entitled, "Resolution urging the Congress of the United States to halt the practice of enacting unfunded Federal mandates or to provide funding for any mandates it enacts"; and
- d) Agenda item #E-8 entitled, "Response to Council inquiry on downtown Sacramento Street trees".

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CLAIMS CC-21(a) Claims were approved in the amount of \$3,200,715.70.

MINUTES The Minutes of March 4, 1992 (Regular Meeting) were approved as written.

#### REPORT OF THE SALE OF SCRAP METAL

CC-20 The City Council received the following report regarding  
CC-47 the sale of scrap metal.

On February 5, 1992, the City Council authorized the sale of various lots of scrap metal which had accumulated during the course of normal utility department operations.

Bid forms were mailed to five scrap metal dealers; two responded. The high bidder, Sunshine Steel Enterprises of Sacramento, paid \$3,103.04 for the items listed below, in the sale which was completed on March 17, 1992.

Insulated Aluminum	2,575 lbs.
Insulated Copper	1,323 lbs.
Bare Copper	657 lbs.
UG Cable (75% Aluminum, 25% Copper)	6,219 lbs.
Copper Pipe	205 lbs.
Lead Pipe	1,015 lbs.
Brass Pipe Fittings	1,018 lbs.
Scrap Iron	1 lot

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PUBLIC HEARING SET TO CONSIDER  
PROPOSED AMENDMENT TO LODI MUNICIPAL  
CODE CHAPTER 3.20 ESTABLISHING CRITERIA  
FOR DETERMINATION OF "LOWEST  
RESPONSIBLE BIDDER"

CC-6                   The City Council set a public hearing for May 6, 1992 to  
CC-159               consider an amendment to the Lodi Municipal Code Chapter  
                      3.20 as it applies to determination of "Lowest Responsible  
                      Bidder".

The City Attorney reminded the City Council that it had recently asked about the legality of considering the 1% sales tax rebate which the City receives from the State for goods bought and sold in Lodi when making a determination of the actual "lowest responsible bidder" for supplies purchased by the City. A draft ordinance addressing this issue will be presented at the May 6, 1992 public hearing for Council consideration.

TRAFFIC SIGNAL INSTALLATION APPROVED  
FOR CHEROKEE LANE AT HALE ROAD

RESOLUTION NO. 92-55

CC-48(h)           The City Council adopted Resolution No. 92-55 directing  
CC-300           City staff to proceed on the traffic signal installation on  
                  Hale Road at Cherokee Lane, appropriate \$100,000 from the  
                  Federal Aid Urban (FAU) Fund for the project, and approved  
                  an amendment to the Transportation Improvement Plan.

The City Council was apprised that pedestrian safety on Cherokee Lane at Hale Road has been the subject of a number of Council discussions over the past few years. The City has followed accepted traffic engineering principles in the addition of various safety improvements. These have included warning signs, no-parking zones to improve visibility, increased enforcement and, most recently, an overhead flashing beacon and sign.

With the recent pedestrian/auto accident, this location ranks as the highest pedestrian accident location in the City. The next practical safety improvement is a traffic and pedestrian activated signal. Staff planned to offer this project for consideration in the 1992/93 budget. However, with the recent accident and the passage of the latest federal transportation bill (The Intermodal Surface Transportation Act of 1991) which we only recently learned of Lodi's allocation, staff recommended that we proceed on this project. Depending on the length of the federal review process, the signal should be installed before the end of 1992.

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ANNEXATION/REORGANIZATION PROCEEDINGS  
FOR BRIDGEHAVEN ADDITION APPROVED

RESOLUTION NO. 92-52

CC-8(a)  
CC-300

The City Council was apprised that the proposed Bridgehaven Addition encompasses 7 acres and is prepared for 50 single-family units on lots of approximately 4,000 square feet. The project meets the growth management category for median density.

At its meeting of March 18, 1992 the City Council adjusted Ordinance No. 1544 designating the Bridgehaven area as MDR, Medium Density Multiple Family on the General Plan and Ordinance 1545 pre-zoning the area P-D (28), Planned Development District No. 28. The pre-zoning is required by the San Joaquin Local Agency Formation Commission as the first step in the annexation/reorganization process.

Council Member Hinchman indicated that he would like Schools K through 12 included on line 18 of the Justification of Proposal For Reorganization or Change of Organization Affecting Local Agencies which reads as follows:

"What modifications must be made to existing utility and governmental facilities to provide services initiated by this proposal. Extension of sewer, water, storm drainage and electrical lines along with improvements to streets including curb, gutter and sidewalk".

Following discussion the City Council, on motion of Council Member Snider, Hinchman second, adopted Resolution No. 92-52 initiating the annexation/reorganization proceedings for the Bridgehaven Addition located on the west side of Woodhaven Lane between the Wine and Roses Country Inn and the W.I.D. canal and approved amending the Justification of Proposal as suggested by Council Member Hinchman.

ACTION DEFERRED ON PROPOSED RESOLUTION  
URGING THE STATE OF CALIFORNIA TO HALT  
THE PRACTICE OF ENACTING UNFUNDED STATE  
MANDATES OR TO PROVIDE FUNDING FOR ANY  
MANDATE IT ENACTS

CC-6

Mayor Pinkerton requested that a proposed resolution be placed on the agenda for Council consideration urging the State of California to halt the practice of enacting unfunded State mandates or to provide funding for any mandate it enacts.

Council discussion followed with concerns being raised regarding certain language contained within the proposed resolution.

Mayor Pinkerton's motion to adopt the subject resolution died for lack of a second.

On motion of Council Member Pennino, Hinchman second, the City Council by the following vote deferred the matter to another time for additional discussion at a study session:

Ayes: Council Members - Hinchman, Pennino, Sieglock, and Snider

Noes: Council Members - Pinkerton (Mayor)

Absent: Council Members - None

ACTION DEFERRED ON PROPOSED RESOLUTION  
URGING THE CONGRESS OF THE UNITED STATES  
TO HALT THE PRACTICE OF ENACTING UNFUNDED  
FEDERAL MANDATES OR TO PROVIDE FUNDING FOR  
ANY MANDATES IT ENACTS

CC-6

Mayor Pinkerton requested City Council consideration of a proposed resolution urging the Congress of the United States to halt the practice of enacting unfunded Federal mandates or to provide funding for any mandate it enacts.

Council discussion followed with concerns being raised regarding certain language contained within the proposed resolution.

Mayor Pinkerton's motion to adopt the subject resolution died for lack of a second.

On motion of Council Member Pennino, Hinchman second, the City Council by the following vote deferred the matter to another time for additional discussion at a study session:

Ayes: Council Members - Hinchman, Pennino, Sieglock, and Snider

Noes: Council Members - Pinkerton (Mayor)

Absent: Council Members - None

RESPONSE TO COUNCIL INQUIRY ON  
DOWNTOWN SACRAMENTO STREET TREES

CC-10(e)  
CC-49

At its March 18 meeting, Council requested an update on the stumps in the tree wells on Sacramento Street in the downtown area. These trees were affected by last year's freeze. After waiting to see which trees would recover, those that did not were topped.

Since staff had received comments from businesses on the street that some did not want their trees replaced, the

City mailed questionnaire notices to all. The businesses that have a tree fronting their property are responsible for watering the tree. Some businesses just didn't want the tree; others did not want the responsibility of watering. Since we had little response, the matter was discussed with the Lodi Downtown Business Association (LDBA). The City made another mailing to generate more response. The result is that, of the forty-seven tree wells, ten have been filled with brick and sand due to negative or no response. The remaining thirty-seven locations will be replanted. The stumps were left in place so they can be removed and replaced in one operation. This is much more efficient than removing and replacing the tree well bricks twice, backfilling the hole, then redigging for the new tree, etc.

The new trees are being purchased as part of the annual tree planting program which is presently out to bid. The remaining tree removal and replanting will be completed by City forces in late April/early May 1992.

Council Member Hinchman stated that he felt that all of the trees needed to be replaced and indicated that he believes the downtown area needs to be upgraded. Council Member Hinchman called it "prudent" for the City to plan for the future of Sacramento Street and plant the trees. Council Member Hinchman further stated that he would be willing to water 10 trees himself if it meant greening up Sacramento Street. He also asked the Public Works staff to talk to members of the Lodi Downtown Business Association to see if they could organize an effort to care for the trees.

COMMENTS BY CITY  
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

DUI CHECK POINT APPLAUDED

Council Member Hinchman complimented the Police Department on its DUI Check Point which he passed through on this date.

POLICE DEPARTMENT RESPONSE TO CALL  
FOR ASSISTANCE APPLAUDED

Council Member Hinchman complimented the Police Department on their quick response and the action taken by the officers regarding a dangerous situation which recently took place at Lakewood School.

COMPLAINT REGARDING SIGNAL CONTROL  
BOX INSTALLATION

CC-16 Council Member Hinchman asked that staff look at the control box for the signal at Hutchins and Vine streets as he feels it may be causing a sight distance problem.

STATUS REPORT ON G-BASIN REQUESTED

Council Member Snider asked for a status report on the G-Basin golf course and reminded the City Council of the numerous new programs now available to the youth of the community and the need for park sites for these programs.

DATE OF 1992 LODI DAY AT THE STICK ANNOUNCED

Council Member Snider announced that "Lodi Day at the Stick" this year is August 1, 1992.

PERFORMANCE OF RIVERBOAT RASCALS COMPLIMENTED

Council Member Sieglock complimented the Riverboat Rascals on their outstanding performance.

CITY ATTORNEY ASKED FOR INFORMATION WHICH  
WOULD REGULATE "ADULT" BUSINESSES

CC-6 Council Member Sieglock asked that the City Attorney bring  
CC-16 to the City Council at its meeting of May 6, 1992  
CC-156 information which would regulate "Adult" businesses.

DIBROMOCHLOROPROPANE (DBCP) UPDATE GIVEN

CC-6 Upon request an update was given by the City Manager  
CC-24(b) regarding dibromochloropropane (DBCP) in City wells and  
CC-183(f) governmental regulations regarding DBCP.

LODI DBCP COMMITTEE NAMES

CC-2(p) Mayor Pinkerton appointed the following people to serve on the City of Lodi DBCP Committee:

1. Bob Wheeler, Plant Manager, General Mills;
2. Bob Graf, Executive Vice President, Pacific Coast Producers;
3. Deanna Enright, General Manager, King Videocable;
4. Dr. Frank Johnson, Optometrist;
5. Dr. Helmuth Hoff, retired physician;

6. Bill Dauer, Executive Director, Lodi Memorial Hospital Foundation; and
7. Vicki Van Steenberg, President, Lodi Iron Works.

UPDATE ON THREE-CART SYSTEM FOR  
REFUSE PICKUP

CC-22(b) Following an inquiry by Council Member Snider, City Manager Peterson gave an update on the three-cart system for refuse pickup and its implementation.

REQUEST FOR 1992 WATER CONSERVATION  
PROGRAM TO BE PLACED ON NEXT AGENDA

CC-183(d) Council Member Sieglock asked that the City's 1992 Water Conservation Program be placed on the next agenda.

SPRING CLEANUP WEEK

Council Member Hinchman reminded the community of Spring Cleanup Week.

COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

CITIZEN REQUESTS CITY'S GRAFFITI HOLD  
HARMLESS AGREEMENT BE PLACED ON FUTURE  
AGENDA

CC-13 Dennis Cochran, 935 Columa, Lodi voiced his disapproval of  
CC-16 the City's Graffiti Hold Harmless Agreement and stated he  
would like to see this subject on a future agenda. Mr.  
Cochran further stated that he feels that the removal of  
graffiti on private property should be done by private  
contractors.

CITIZENS SPEAK IN OPPOSITION TO THE  
ADULT BOOK STORE OPENING SOON IN LODI

CC-6 The following citizens spoke in opposition to the adult  
CC-16 book store which will be opening soon in Lodi and asked  
CC-156 that the City look into what can be done to regulate such  
businesses:

- a) Mr. Ken Owens, Director of Lodi Community Christian Concerns; and
- b) Tim Vallem, Adult Book/Video Store.



Continued April 1, 1992

LODI DISTRICT CHAMBER OF COMMERCE  
VISITORS' INFORMATION CENTER OPEN  
ON SATURDAYS

CC-7(k) Les Dabritz, Executive Director of the Lodi District Chamber of Commerce, announced that the Visitors' Information Center at 1330 Ham Lane will be open Saturdays from 10:00 a.m. to 2:00 p.m., commencing April 4, 1992.

AGENDA FORMAT CHANGED

DISCUSSION REGARDING FUTURE USE OF  
CITY-OWNED PROPERTY ON AWANI DRIVE  
(SCENIC OVERLOOK AREA)

CC-27(a) On motion of Council Member Hinchman, Sieglock second, the  
CC-27(c) City Council changed the format of the agenda and discussed agenda item #K-2 entitled, "Discussion of City Council position regarding future use of City-owned property on Awani Drive (Scenic Overlook area)" at this point on the agenda.

The City Council was reminded that for the past several months there has been considerable discussion on the issue of public access to the Mokelumne River. Included in the discussions of the Mokelumne River Access Task Force and the Parks and Recreation Commission was the future use of the City-owned property on Awani Drive commonly known as the Scenic Overlook. Both the Mokelumne River Access Task Force and the Parks and Recreation Commission recommended that this area be developed as a public park accessible by boat only. At its regular meeting of March 18, 1992 the City Council took no action on this recommendation, opting to wait on any decision in this regard to completion of the Parks and Recreation and Open Space Master Plan.

At the request of Council Member Sieglock, and with the concurrency of Mayor Pinkerton, this matter has been placed on this agenda for additional discussion. This request is made as an accommodation to the residents in the area who are vitally interested in this issue, and anxious to learn of the City Council's position at this time.

The following persons addressed the City Council regarding the matter:

- a) John Newbold, 1098 East Woodbridge Road, P.O. Box 246, Lodi asked that if this site is not considered for public access, what site will be.
- b) Patrick Velasquez, 1061 Awani Drive, Lodi stated that he felt that the City should not

clean up the Scenic Overlook because of the expense involved.

- c) Bob Johnson, Chairman, Lodi Parks and Recreation Commission, stated that the City Council would be considering the Master Park Plan in the not too distant future and that he felt that this whole matter should be considered at that time.
- d) Mr. Ron McLaughlin, 1053 Miwok Drive, Lodi stated that "they don't need a bunch of tailgaters in Mokelumne Village".

Following discussion with questions being directed to staff, the City Council on motion of Council Member Sieglock, Snider second, determined that it would not put a park on the City-owned property on Awani Drive (Scenic Overlook area). The motion carried by the following vote:

Ayes: Council Members - Pennino, Sieglock, Snider, and Pinkerton (Mayor)

Noes: Council Members - Hinchman

Absent: Council Members - None

#### RECESS

The Mayor declared a five-minute recess and the City Council reconvened at approximately 9:20 p.m.

#### PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider setting fees for Public Works plans and specifications distribution.

#### FEES ESTABLISHED FOR PUBLIC WORKS PLANS AND SPECIFICATIONS DISTRIBUTION

#### RESOLUTION NO. 92-56

CC-6  
CC-56  
CC-300

The City Council was advised that except for large architectural projects, the City has not normally charged a fee for the plans and specifications on Public Works projects. In surveying other cities in and around the valley, we have found most cities do charge a nonrefundable fee for plans and specifications. Some cities charge a minimum amount and increase this amount for larger sets of plans and specifications. Others have a fee based on the size of the plans and specifications. Some cities also charge an additional \$5 fee if they are requested to mail the plans and specifications.

Only one city had a refundable fee. Because of the City's cost to issue a refund check, we cannot recommend any type of refundable fee.

It is the City's policy to keep a list of contractors interested in bidding certain types of projects. After the City Council has authorized advertisement of the project, the interested contractors are sent a Notice Inviting Bids. The builder's exchanges are also sent complimentary sets of the plans and specifications and the plans and specifications are available for review in our office. The Valley Builder's Exchange, Inc., sent a letter expressing their interest in continuing to receive these complimentary documents. If new fees are adopted, we would continue to mail plans and specifications at no cost to the builder's exchanges and Notices Inviting Bids to interested contractors.

The cost to the City to prepare and mail a typical bidding document ranges from about \$15 to \$35. Larger sets could run more than \$50. These costs depend largely on the number of plan sheets and specification pages in each set.

The following is information regarding the number of requests we have received on recent projects:

On the Hale Park project, the bidding documents included twenty-two sheets of blueprints as well as a very large set of specifications. We received requests from one hundred contractors for these plans and specifications. However, there were only seven bidders. Our cost to prepare and mail each of these bid documents was approximately \$60.

On the Blakely Park remodel project, there were requests for twenty-eight sets of plans and specifications and five bidders.

On the last traffic signal project, which included a larger set of specifications because of federal requirements and also seventeen sheets of blueprints, we had twenty-seven requests and four bidders.

The Cherokee Lane Street Improvements' bidding documents were of average size. There were requests for thirty-eight sets and seven bids were received.

The GAC filters for Well #16 bidding documents were prepared by a consultant and required a nonrefundable fee of \$50 for the set of specifications as well as an additional \$50 nonrefundable fee for a set of full-sized plans. There were requests from fifty-three contractors and there were twelve bids on this project. This would indicate that charging a fee does not eliminate interested bidders.

The surveyed cities that charge fees felt that most contractors expect a fee to be charged for plans and specifications. We have also found that many times contractors calling to request bid documents ask the cost of our plans and specifications.

It is staff's recommendation that a minimum nonrefundable fee of \$25 be set for Public Works plans and specifications that are picked up, and \$30 if they are mailed, with a provision that the fee be increased for plans and specifications having more than five plan sheets and/or fifty pages of specifications.

Staff recommended the following exclusions from the payment of fees:

- a) Five or less sheets of specifications shall be exempt from fee charges; and
- b) Local builders exchanges shall be exempt from paying fees for plans and specifications.

Mr. Steve Pechin, 323 West Elm Street, Lodi spoke in favor of the proposed fees.

There being no other persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Hinchman, Pennino second, the City Council adopted Resolution No. 92-56 entitled, "A Resolution of the Lodi City Council Establishing Nonrefundable Fees to be Charged for Providing Copies of Plans and Specifications for Public Works Projects" including the two exemptions set forth above.

PUBLIC HEARING TO ACCEPT THE COST  
OF CONSTRUCTION REPORT AND TO HEAR OBJECTIONS  
AND PROTESTS FROM PROPERTY OWNERS LIABLE  
TO BE ASSESSED FOR THE COST OF CONSTRUCTION  
FOR THE INSTALLATION OF SIDEWALKS LOCATED AT  
1907 AND 1911 SOUTH CHURCH STREET, LODI

RESOLUTION NO. 92-57

CC-45(e)  
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to accept the cost of construction report and to hear objections and protests from property owners liable to be assessed for the cost of construction for the installation of sidewalks located at 1907 and 1911 South Church Street, Lodi.

The City Council was advised that as part of the Church Street reconstruction project, 300' N/Century Boulevard to Kettleman Lane, four property owners were notified to construct sidewalk where none existed. At the time the contract was awarded for the Church Street reconstruction project, all four property owners were notified of the cost if the City's contractor did the work. Two of the property owners made arrangements for the sidewalk installation and two did not. Before the City had its contractor install the sidewalk, those owners who had not made arrangements for the installation of the sidewalk were again notified that, if it was not done within the time frame allowed in the Streets and Highways Code, our contractor would do it. The City's contractor installed the sidewalk on two properties where the owners did not.

After the project was completed, those property owners who had not installed the sidewalk on their own were given a courtesy letter stating the amount of the sidewalk installation and informing them that the procedure to start the lien process would begin if we had not heard from them in thirty days. One of the letters sent to the property owner had an incorrect amount on it. That error was not discovered until past the time to begin the lien process. The property owner had not contacted the City or made arrangements to pay this bill until after the thirty days and the property was posted. The correct amount of the cost of construction was on the posting and was again sent to the owner. At that time, the property owner paid the lower, incorrect amount. The property owner was notified within an hour after he paid the bill that it was an improper amount and that the amount shown on the Report of Costs, which was posted on the property and mailed to him, was the proper amount. He was informed that he could either make up the difference or we would deduct the amount that was paid and process the amount that was still owing on his property. A copy of the letter of explanation that went to the property owner was presented for Council review.

Streets and Highways Code Section 5883 requires that a public hearing be held to hear and pass upon the Report of Costs and to hear protests which may be raised by property owners.

After the public hearing the Council shall confirm the Report of Costs, assess the cost of construction to the affected properties and order the preparation of a notice of lien to be filed with the tax collector if, after being billed, the property owner does not pay the bill within five days. This method is consistent with the way the City has previously collected for the installation of sidewalk.

The City Council was further advised that on March 26, 1992, Mr. K. A. Aliferis, owner of the property at 1907 South Church Street, paid for the installation of curb, gutter and sidewalk in front of his property. There is no need to continue the procedure to lien this property.

There being no persons in the audience wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On Motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council adopted Resolution No. 92-57 entitled, "A Resolution of the Lodi City Council Confirming the Cost of Construction Report and Confirming the Assessment Against the Real Property for Sidewalk Construction at 1911 South Church Street, Lodi, California".

ORDINANCE INTRODUCED AMENDING LODI MUNICIPAL  
CODE CHAPTER 15.64 "DEVELOPMENT IMPACT MITIGATION FEES"

ORDINANCE NO. 1547 INTRODUCED

CC-6 Notice thereof having been published according to law, an  
CC-46 affidavit of which publication is on file in the office of  
CC-56 the City Clerk, Mayor Pinkerton called for the Public  
CC-149 Hearing to consider introduction of an ordinance amending  
the Development Impact Mitigation fee ordinance as it  
pertains to commercial fees.

The City Council was advised that the Development Impact Mitigation Fee Ordinance (LMC Chapter 15.64) provides for a fee schedule for various land use types based on their service impacts all as compared to one acre of low density residential use. This is done in the Residential Acre Equivalent (RAE) schedule contained in Section 15.64.070. The categories are based on those shown in the General Plan.

In working with the new ordinance over the past few months, all of the developments subject to the fees have been commercial projects. We have found a problem in working with shopping center projects which are allowed under the "Neighborhood Commercial" category, but have traffic impacts comparable to the "General Commercial" category. A similar situation, although not as severe, exists for police and fire fees.

The General Plan land use map identifies most of the undeveloped commercial areas as "Neighborhood Commercial". These areas are located and sized such that they will be some type of shopping center. Essentially all the "General Commercial" land is located along Cherokee Lane and little is vacant. Because the zoning code allows such a large overlap in permitted uses in these categories, it is confusing to the development community as to which fee

might apply. It becomes even more of a problem when a commercial use is located in an industrial zone, which is also allowed by the zoning code.

To solve these problems, staff recommends that the three retail commercial categories (neighborhood, general and downtown) be considered as one "Retail Commercial" category. The "Office Commercial" category would remain as is.

This change would only affect the streets, police and fire fees. The water, sewer, storm drainage, parks and recreation and general City facilities RAE factors, hence the fees, are already equal in these categories. Staff has recalculated a weighted average RAE factor for this combined "Retail Commercial" category and has reviewed our methodology with the fee study consultant who found it acceptable. The results were presented to the City Council which is the proposed new fee schedule. The existing schedule was presented for comparison. The new retail commercial fee is slightly higher than the old neighborhood commercial fee and significantly lower than the old general commercial fee, as summarized below. The text of the proposed ordinance revision was presented for City Council review.

		<u>Land Use Category</u>		
		<u>Existing</u>	<u>Proposed</u>	
Fee Category		Neighborhood & Downtown Commercial	General Commercial	Retail Commercial
Streets -	RAE	1.90	3.82	2.08
	Fee per acre	\$10,390	\$20,900	\$11,380
Police -	RAE	4.28	2.59	4.12
	Fee per acre	\$ 4,750	\$ 2,870	\$ 4,570
Fire -	RAE	2.77	1.93	2.69
	Fee per acre	\$ 1,440	\$ 1,000	\$ 1,400
All Others -	RAE varies			
	Fee per acre	\$24,700	\$24,700	\$24,700
Total fee per acre:		\$41,280	\$49,470	\$42,050

It was suggested that Section 4 of the subject ordinance be amended to read as follows:

Effective Date

This ordinance takes effect 60 days after its adoption. For purposes of this Chapter, building permit applications accepted and deemed complete prior to the effective date shall not be subject to increases in fees pursuant to this ordinance, nor shall projects which have been previously approved and have paid fees on portions of such project; provided, however, that any remaining portions of such projects which obtain building permits after December 31, 1992 shall be subject to any applicable increases hereunder.

Mr. Jim Verseput, 2120 West Lodi Avenue, Lodi addressed the City Council stated that he would like the entire ordinance to be reviewed as he feels all commercial property should be exempt.

There being no other persons in the audience wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Snider, Pennino second, the City Council by unanimous vote introduced Ordinance No. 1547 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 15.64 'Development Impact Mitigation Fees' with amended language in Section 4 of the subject ordinance as outlined above.

NEUHARTH NORTH ADDITION ANNEXATION/REORGANIZATION  
INCLUDING ANNEXATION TO THE CITY OF LODI AND  
DETACHMENT FROM VARIOUS DISTRICTS APPROVED

RESOLUTION NO. 92-58

CC-8(a) Notice thereof having been published according to law, an  
CC-300 affidavit of which publication is on file in the office of  
the City Clerk, Mayor Pinkerton called for the Public  
Hearing regarding the Neuharth North Addition  
Annexation/Reorganization located at the east side of South  
Stockton Street, north and south of Almond Drive.

The City Council was advised that on December 4, 1991, the  
City Council adopted Resolution No. 91-223 initiating  
annexation/reorganization proceedings on the subject parcel.

Following a public hearing regarding the matter held  
February 21, 1992, the Local Agency Formation Commission of  
San Joaquin County determined and ordered the following:

Section 1. The Negative Declaration adopted by the City of  
Lodi, as lead agency, was reviewed and  
considered.



Section 2. The above entitled reorganization is approved subject to the terms and conditions contained herein.

Section 3. The boundaries are hereby approved as submitted.

Section 4. The affected territory is uninhabited.

Section 5. The City of Lodi is designated as the conducting authority and the City Council is authorized to initiate proceedings for uninhabited reorganization in accordance with Section 5700 et seq. of the Government Code.

On November 20, 1991, the City Council adopted Ordinance Nos. 1535, 1536 and 1538 which rezoned the subject parcels R-2, Single-Family Residential and PD(28), Planned Development District No. 28.

This annexation/reorganization did not have 100% owner consent.

At the March 18, 1992 City Council meeting the City Council adopted Resolution No. 92-51 directing the City Clerk, pursuant to the State of California Government Code Section 5700 et seq. to set a public hearing on April 1, 1992 to consider the Neuharth North Addition Reorganization including annexation to the City of Lodi and detachment from the Woodbridge Fire District and the SJC Resource Conservation District.

The appropriate advertising and mailings were made pursuant to State statute.

Speaking on behalf of the proposed annexation/reorganization was:

a) Terry Piazza, 323 West Elm Street, Lodi.

There being no other persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Snider, Pennino second, the City Council adopted Resolution No. 92-58 entitled, "A Resolution of the Lodi City Council Ordering the 'Neuharth North Addition' Annexation/Reorganization (LAFC 29-91), including Annexation to the City of Lodi, and Detachment from the Woodbridge Fire District and the SJC Resource Conservation District Following Notice and Hearing".

MELVA LIND ADDITION ANNEXATION/REORGANIZATION  
APPROVED

RESOLUTION NO. 92-53

CC-8(a) Notice thereof having been published according to law, an  
CC-300 affidavit of which publication is on file in the office of  
the City Clerk, Mayor Pinkerton called for the Public  
Hearing regarding the Melva Lind Addition  
Annexation/Reorganization located south of East Sargent  
Road and west of Central California Traction Company main  
line.

The City Council was advised that on December 4, 1991, the  
City Council adopted Resolution No. 91-222 initiating  
annexation/reorganization proceedings on the subject parcel.

Following a public hearing regarding the matter held  
February 21, 1992, the Local Agency Formation Commission of  
San Joaquin County determined and ordered the following:

Section 1. The Negative Declaration adopted by the City of  
Lodi, as lead agency, was reviewed and  
considered.

Section 2. The above entitled reorganization is approved  
subject to the terms and conditions contained  
herein.

Section 3. The boundaries are hereby approved as submitted.

Section 4. The affected territory is uninhabited.

Section 5. The City of Lodi is designated as the  
conducting authority and the City Council is  
authorized to initiate proceedings for  
uninhabited reorganization in accordance with  
Section 5700 et seq. of the Government Code.

On November 20, 1991, the City Council adopted Ordinance  
No. 1540 which rezoned the subject parcels M-2, Heavy  
Industrial.

At the March 18, 1992 City Council meeting the City Council  
adopted Resolution No. 92-43 directing the City Clerk,  
pursuant to the State of California Government Code Section  
5700 et seq. to set a public hearing on April 1, 1992 to  
consider the Melva Lind Addition Reorganization including  
annexation to the City of Lodi and detachment from the  
Mokelumne Fire District and the SJC Resource Conservation  
District.

The appropriate advertising and mailings were made pursuant  
to State statute.

There being no persons wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

On motion of Council Member Sieglock, Hinchman second, the City Council by unanimous vote adopted Resolution No. 92-53 entitled, "A Resolution of the Lodi City Council Ordering the 'Melva Lind Addition' Annexation/Reorganization (LAFC 27-91), including Annexation to the City of Lodi, and Detachment from the Mokelumne Rural County Fire District and SJC Resource Conservation District Following Notice and Hearing".

CENTURY MEADOWS ADDITION ANNEXATION/REORGANIZATION  
APPROVED

RESOLUTION NO. 92-54

CC-8(a)  
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing regarding the Century Meadows Addition Annexation/Reorganization located at 2081, 1865, 1831, 1767 and 1601 East Harney Lane and 14100 Lower Sacramento Road.

The City Council was advised that on December 4, 1991 the City Council adopted Resolution No. 91-221 initiating annexation/reorganization proceedings on the subject parcel.

Following a public hearing regarding the matter held February 21, 1992, the Local Agency Formation Commission of San Joaquin County determined and ordered the following:

- Section 1. The Negative Declaration adopted by the City of Lodi, as lead agency, was reviewed and considered.
- Section 2. The above entitled reorganization is approved subject to the terms and conditions contained herein.
- Section 3. The boundaries are hereby approved as submitted.
- Section 4. The affected territory is uninhabited.
- Section 5. The City of Lodi is designated as the conducting authority and the City Council is authorized to initiate proceedings for uninhabited reorganization in accordance with Section 5700 et seq. of the Government Code.

On November 20, 1991, the City Council adopted Ordinance Nos. 1531, 1532, 1533 and 1534 which rezoned the subject parcels R-1 and R-2, Single-Family Residential.

This annexation/reorganization did not have 100% owner consent.

At the March 18, 1992 City Council meeting the City Council adopted Resolution No. 92-44 directing the City Clerk, pursuant to the State of California Government Code Section 5700 et seq. to set a public hearing on April 1, 1992 to consider the Century Meadows Addition Reorganization including annexation to the City of Lodi and detachment from the Woodbridge Fire District, the Woodbridge Irrigation District, the Woodbridge Water Users Conservation District, and the SJC Resource Conservation District.

The appropriate advertising and mailings were made pursuant to State statute.

Speaking on behalf of the proposed annexation/reorganization was:

a) Steven Pechin, 323 West Elm Street, Lodi.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Mayor Pro Tempore Pennino, Sieglock second, the City Council by unanimous vote adopted Resolution No. 92-54 entitled, "A Resolution of the Lodi City Council Ordering the 'Century Meadows Addition' Annexation/Reorganization (LAFC 28-91), including annexation to the City of Lodi and detachment from the Woodbridge Fire District, The Woodbridge Irrigation District, The Woodbridge Water Users Conservation District, and the SJC Resource Conservation District following notice and hearing".

PLANNING COMMISSION City Manager Peterson presented the following Planning  
REPORT Commission Report of the Planning Commission Meeting of  
March 23, 1992.

CC-35 The Planning Commission -

The Planning Commission discussed the Growth Management building permit allocation process. The Planning Commission requested clarification of several sections of the ordinance. The City Attorney will provide a written response to their questions for discussion at a future Planning Commission meeting.

COMMUNICATIONS  
(CITY CLERK)

APPEAL REGARDING THE PLANNING COMMISSION'S  
DENIAL OF HIS REQUEST FOR A ZONING VARIANCE  
TO REDUCE THE REQUIRED SIDE YARD SET FOR PUBLIC HEARING

CC-53(b)                    On motion of Council Member Hinchman, Sieglock second, the City Council set a public hearing on May 6, 1992 to consider the appeal received from Anthony D. Azevedo, 1227 South Washington Street, Lodi regarding the Planning Commission's denial of his request for a zoning variance to reduce the required side yard at that location.

APPOINTMENT TO LODI PARKS AND RECREATION  
COMMISSION

CC-2(h)                    On motion of Council Member Hinchman, Sieglock second, the City Council concurred with the Mayor's appointment of Ed Wall, Jr. to the Lodi Parks and Recreation Commission to fill an unexpired term due to expire December 31, 1994.

REGULAR CALENDAR

ORDINANCE INTRODUCED AMENDING SECTION  
2.04.100 OF THE LODI MUNICIPAL CODE,  
REGULATING THE ORDER OF BUSINESS FOR  
COUNCIL MEETINGS

ORDINANCE NO. 1548 INTRODUCED

CC-6                        The City Council was advised that on January 1, 1992, SB  
CC-149                    100 modifying certain provisions of the Ralph M. Brown Act became effective. In order to comply with the new law, it will be necessary for the City to slightly modify Municipal Code Section 2.04.100, which specifies the order of business for City Council meetings.

As amended, Government Code Section 54954.3 requires that members of the public be given an opportunity to speak on any agenda item before or during council consideration of that issue. Since it has always been the practice of the Lodi City Council to allow public input upon request, the amendment should cause only slight changes in the agenda format and procedures.

At present, the order of business for Council agendas is spelled out in Municipal Code Section 2.04.100. Comments by the public on non-agenda items appears at Item "G". The current format does not provide for public input or comment before the consent calendar is adopted. In order to comply with the new law, we can simply move "public comments" to Item "E", and delete the phrase "... on non-agenda items". This will allow comments by the public

on any item (whether on the agenda or not) before action on the consent calendar is taken.

The Mayor could (if desired) announce under Item "E" that comments on those items appearing on the regular calendar should be held until the matter is considered. That might avoid repetition and would still comply with Section 54954.3.

It should be noted that the amendment provides that no opportunity for public comment need be given if the item has "... already been considered by a committee, composed exclusively of members of the council or board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the council or board."

This provision would apparently mean that if a topic has been examined at a shirtsleeve session, then no further public comment is mandated unless the item was "substantially changed" between the shirtsleeve session and the regular Council meeting at which it is to be considered.

In effect, the new law will have very little impact on how Council meetings are presently conducted. It is only necessary that we move the segment allowing public comment further up in the agenda so that public input can be made before adoption of the consent calendar. If the item to be commented on appears further down in the agenda, the Mayor has the option to defer public comment until consideration of that item and still be in compliance with the new law.

Following discussion with questions being directed to the City Attorney, the City Council on motion of Council Member Sieglock, Hinchman second, introduced Ordinance No. 1548 entitled, "An Ordinance of the City Council of the City of Lodi Amending Section 2.04.100 of the Lodi Municipal Code Relating the Order of Business for City Council Meetings".

#### CABLE TELEVISION RATE SCHEDULE ADJUSTMENT

CC-22(c)            The City Council was advised that King Videocable Company (CATV) from time to time implements adjustments in its rate schedule for cable television services to subscribers. A copy of the current rate schedule and the revised schedule to be effective May 1, 1992 was presented for Council review. The adjustments are in the areas of initial installation and relocation of existing outlets; additional outlets; remote control converter rental; and trip charges which may be assessed for responding to calls for service

which are determined not to be related to cable television service. There is no adjustment proposed in the regular monthly service rate. This item is for information only since the City Council no longer has rate setting authority in this area since the passage by Congress of the Cable Communications Act of 1984.

KING VIDEOCABLE COMPANY - LODI  
RATE SCHEDULE EFFECTIVE MAY 1, 1992

=====		
S E R V I C E	Previous Rates 09-01-91	Rates Effective 05-01-92
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A. <u>INSTALLATION</u>		
Installation, first outlet	50.00	60.00
Additional outlets, each	30.00	35.00
Relocation of existing outlet, each	30.00	35.00
Non-standard installation - unusual construction requirements or cable drop over 150' - time and materials		
B. <u>MONTHLY SERVICE</u>		
Limited basic service, all outlets (18 channels)	16.00	16.00
Full cable service all outlets (37 channels)	19.00	19.00
Additional outlets	3.00	3.50
PACKAGES		
one premium service	11.00	11.00
two premium services	18.50	18.50
three premium services	25.00	25.00
four premium services	31.00	31.00
five premium services	37.00	37.00
C. <u>OTHER FEES AND RENTALS</u>		
Processing fee to change packages	10.00	10.00
Remote control converter rental - monthly	3.00	3.50
TV Guide	3.00	3.00
Late charge (accounts 40 days past due)	5.00	5.00
Trip charges may be assessed for problems not related to cable TV service (VCR hookups, fine tuning TV, etc.)	30.00	35.00
A/B switch purchase	10.00	10.00

D. BULK/COMMERCIAL ACCOUNTS

## . Apartments:

less than 50 units	12.30	12.30/unit
50 or more units	9.65	9.65/unit

## . Motels

8.00	8.00/unit
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Deanna Enright, General Manager, King Videocable was present and responded to questions as were posed by various members of the City Council and staff.

## ORDINANCES

ORDINANCE ADOPTING AN INTERIM CAPITAL IMPROVEMENT PROGRAM BUDGET FOR VARIOUS CITY PROJECTS FOR THE CITY OF LODI FOR FISCAL YEAR 1992-93 AND APPROVING A POLICY FOR TRANSFERRING FUNDS FROM THE VARIOUS DEVELOPMENT IMPACT FEE FUNDS TO REPAY OTHER CITY FUNDS' EXPENSES ALREADY INCURRED

## ORDINANCE NO. 1546 ADOPTED

CC-15 Ordinance No. 1546 entitled, "An Ordinance of the Lodi City Council Adopting an Interim Capital Improvement Program Budget for Various City Projects for the City of Lodi for Fiscal Year 1992-93 and Approving a Policy for Transferring Funds from the Various Development Impact Fee Funds to Repay Other City Funds' Expenses Already Incurred" having been introduced at a regular meeting of the Lodi City Council held March 18, 1992 was brought up for passage on motion of Council Member Snider, Pennino second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by unanimous vote of the City Council.

Prior to the adoption of the ordinance a number of questions regarding the matter was posed by Walter Pruss, 2421 Diablo Drive, Lodi.

CLOSED SESSION The City Council adjourned to Closed Session regarding litigation - Celiz/Lovell v. City of Lodi San Joaquin County Superior Court, Case Nos. 227183/227151.

CC-200(d)

The City Council reconvened at approximately 10:59 p.m.

## ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 11:00 p.m.

ATTEST:

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk